



WILLIAMS MULLEN

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**BY HAND DELIVERY AND  
FEDERAL EXPRESS**

August 15, 2005

800 MHz Transition Administrator, LLC  
c/o Robert B. Kelly  
Squire, Sanders & Dempsey L.L.P.  
1201 Pennsylvania Ave., N.W.  
P.O. Box 407  
Washington, DC 20044-0407

Re: Contingent Guard Band Relocation Election

Dear Sir:

Coastal SMR Network, L.L.C., CRSC Holdings, Inc. and A.R.C., Inc. d/b/a Antenna Rentals Corp. (collectively "Coastal"), holders of Economic Area ("EA") and site-based Specialized Mobile Radio ("SMR") licenses in the 800 MHz band, are in receipt of the attached letter dated August 1, 2005 (Exhibit 1) from the Transition Administrator ("TA"), offering Coastal the option of making a "contingent election" to relocate all of their site-based licenses, as summarized in the attached list (Exhibit 2), to the Guard Band, the 816-817 MHz and 861-862 MHz band segments.

While this option is described as a "contingent" election in the TA's letter, in fact it is a *compromise* election, which is unacceptable to Coastal. Coastal has filed a Joint Petition for Partial Reconsideration of the *Report and Order*, *Fifth Report and Order*, *Fourth Memorandum Opinion and Order*, and *Order* in WT Docket No. 02-55, and the SAFE Competition Coalition ("SAFE"), of which Coastal is a member, has filed a Petition for Partial Reconsideration of the *Supplemental Order and Order on Reconsideration* in that proceeding (collectively the "Petitions"), both now pending before the Federal Communications Commission ("FCC"). Among other things, the Petitions seek the relocation of all of Coastal's site-based licenses along with all of its Economic Area (EA) licenses (pursuant to the election submitted by Coastal on May 13, 2005) to the cellular band segment (862 MHz and above) to permit integrated high-density cellular operations in the same manner as Nextel (as described more completely in the Petitions).

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The merits of the Petitions are for the FCC to decide, not the TA. The TA's *sole* responsibility is to administer the transition and to plan for *all* of the known contingencies, including the Petitions. The proposed "contingent election" appears to permit the TA to plan for *only one* of the potential outcomes of the Petitions -- one where the Petitions are *denied*. Such an election at the present time would unfairly prejudice the outcome of the FCC's reconsideration and is patently *prejudicial* to the position and interest of Coastal and other similarly-situated EA licensees. Coastal will not make an election which is inconsistent with the relief it is seeking before the FCC, unless and until the FCC denies such relief, and such decision is final, including judicial review if applicable.

For purposes of compliance with the TA's request for an election, Coastal, by its attorney, hereby elects to relocate its site-based licenses in the ESMR (cellularized) band segment, 862 MHz and above, subject to FCC grant of the relief sought by Coastal and SAFE on reconsideration, or following judicial review.

Accordingly, the TA should plan both: (1) to accommodate all of the licenses of Coastal and other similarly situated EA licensees, including their site-based licenses, in the ESMR (cellularized) band segment above 862 MHz, pending the outcome of the FCC's decision on reconsideration, including, if applicable, judicial review; *and* (2) alternatively, to accommodate all of the EA licenses of Coastal and other similarly-situated EA licensees in the ESMR (cellularized) band segment above 862 MHz, with the remaining site-based licenses to be accommodated as close as possible to the current ESMR band segment -- in the Guard Band, from 858.5 to 862 MHz (the "Guard Band Segment") -- subject to re-designation of that band segment in the region in which the SAFE members' systems are located as "ESMR" (cellularized), or grant of the necessary waiver of the FCC's rules.

If relocated to the Guard Band Segment, and if the Guard Band Segment is not re-designated ESMR, Coastal would seek the necessary waiver of the Commission's rules to permit high-density cellular operations in the Guard Band Segment, as other licensees have sought and obtained. Also, if relocated to the Guard Band Segment, Coastal would expect its full entitlement to relocation costs for the reconstruction of high site facilities in the 861-862 MHz band for all of Coastal's current site-specific licenses. Interim high-site operations in the Guard Band may be required until a waiver for high-density cellular (low-site) operations is granted by the FCC.

In any event, every effort should be made by the TA to avoid diminution of the value of Coastal's spectrum resources in the relocation process. As a matter of public record, Coastal has stated its intention to construct a low-site, high-density cellular system, integrating its site-based licenses with its EA licenses.



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Please contact the undersigned regarding this contingent election and the relocation of Coastal.

Sincerely,

A handwritten signature in black ink, appearing to read "Julian L. Shepard". The signature is fluid and cursive, with the first name "Julian" being more prominent.

Julian L. Shepard

Enclosures

cc: Catherine W. Seidel, Acting Bureau Chief,  
Wireless Telecommunications Bureau, FCC  
Barry Ohlson, Legal Advisor, FCC  
Michelle Carey, Legal Advisor, FCC  
John Branscome, Legal Advisor, FCC  
John Giusti, Legal Advisor, FCC  
FCC Secretary for inclusion in WT Docket No. 02-55

August 1, 2005

**Via Certified Mail – Return Receipt Requested**

Coastal SMR Network, L.L.C., CRSC Holdings, Inc., and A.R.C., Inc.  
c/o Julian L. Shepard, Esq.  
Williams Mullen, P.C.  
1666 K St., NW, Ste. 1200  
Washington, DC 20006

**RE: Contingent 800 MHz Guard Band Election**

Dear Mr. Shepard:

800 MHz Transition Administrator, LLC ("TA") is in receipt of your election filed on May 13, 2005 to relocate your 800 MHz Economic Area ("EA") licenses to the Enhanced Specialized Mobile Radio ("ESMR") portion of the 800 MHz band (*i.e.*, 817-824 MHz/862-869 MHz). The TA is still reviewing your submission and does not here express any view as to whether the submission satisfies in whole or in part the requirements set forth by the Federal Communication Commission ("FCC"). You will receive another letter shortly regarding the results of the TA's review of your EA Election.

This letter is being sent to you to advise you that, pending final action on your EA Election, you have the option to submit, on a contingent basis, an election to relocate to the Guard Band (816-817 MHz/861-862 MHz) by following the procedures outlined in the TA's June 29, 2005 Press Release regarding Guard Band Elections ([http://www.800ta.org/content/news/2005/06\\_29\\_05.asp](http://www.800ta.org/content/news/2005/06_29_05.asp)). This contingent election would be reviewed by the TA in the event that your EA Election to relocate to the ESMR Band is not approved. Please note that certain incumbent 800 MHz licensees in the Southeast U.S. (specifically, certain counties in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee) do not have the ability to relocate to the Guard Band. Potentially affected licensees should consult the FCC's Second Erratum ([http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DOC-252929A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-252929A1.pdf)) to the 800 MHz Order for additional information.

There are several cases where an EA licensee may benefit from making a contingent Guard Band Election. For example, you may want to consider submitting a contingent Guard Band Election if you are an EA licensee, who was not an ESMR as of November 22, 2004, that seeks to move site-based licenses to the ESMR Band as part of your EA Election. The FCC's 800 MHz Orders do not contemplate permitting EA licensees that were not ESMRs as of November 22, 2004 to move site-based licenses to the ESMR Band.<sup>1</sup> However, certain parties have requested that the FCC reconsider its rules regarding relocation of site-based licenses to the ESMR band. These Petitions for Reconsideration are currently pending before the FCC. EA licensees that included site-based licenses in their EA Elections should review the FCC's rules

<sup>1</sup> See *Improving Public Safety Communications in the 800 MHz Band*, WT Docket 02-55, Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order, 19 FCC Rcd 14969 (2004) ("800 MHz Report and Order"), at ¶ 163; *Improving Public Safety Communications in the 800 MHz Band*, WT Docket 02-55, Supplemental Order and Order on Reconsideration, 19 FCC Rcd 25120 (2004) ("Supplemental Order"), at ¶ 78.



as well as the pending Petition for Reconsideration of the *800 MHz Report and Order* filed by Preferred Communications Systems, Inc. and Silver Palm Communications, Inc. and the pending Petitions for Reconsideration of the *Supplemental Order* filed by AIRPEAK Communications, LLC and the Safety and Frequency Equity Competition Coalition. If you have site-based licenses that could be deemed ineligible for relocation to the ESMR band, then you may want to make a contingent Guard Band Election. In the event that you elect to make a contingent Guard Band Election, please advise the TA: (1) whether you wish only your site-based licenses to be relocated to the Guard Band; or (2) whether you wish both your site-based licenses and EA licenses to be relocated to the Guard Band.

Another example of a situation where you may want to consider submitting a contingent Guard Band Election is if you are an EA licensee that could be deemed not qualified or not eligible to relocate to the ESMR band for any reason.

The TA notes that the aforementioned examples are provided for illustrative purposes and do not constitute an exhaustive list of the circumstances that EA licensees may want to consider when deciding whether to make a contingent Guard Band Election.

Licensees electing to relocate to the Guard Band should notify the TA of their election by completing and returning the enclosed Guard Band Election Form. This form may also be found on the TA's website at <http://www.800ta.org/content/800mhz/forms.asp>. Licensees should submit their elections as soon as possible but no later than August 15, 2005 for Wave 1 licensees, October 3, 2005 for Wave 2 licensees, January 3, 2006 for qualifying Wave 3 licensees, and April 3, 2006 for Wave 4 licensees.

Please feel free to contact the TA at (888) 800-8220 or [elections@800ta.org](mailto:elections@800ta.org) with any questions regarding this matter.

Sincerely,

Brett Haan  
800 MHz Transition Administrator, LLC

Enclosure



Transition  
Administrator

FCC 800 MHz Band Reconfiguration  
Guard Band Election Form  
Form #: TA – 5.0  
Page 1 of 4

## 800 MHz Reconfiguration – Guard Band Election Form

Licensee Organization Name: Coastal SMR Network, L.L.C., CRSC Holdings, Inc.,  
and A.R.C., Inc.

Call Sign		Location(s) and Frequency(ies)	
See Exhibit 2		to Letter dated August 15, 2005	(attached)

Please attach additional sheets to your election if needed.

Comments (optional)

The TA reminds licensees that representations made to the TA are held to the same requirement of truth and candor as representations made to the FCC.

website [www.800TA.org](http://www.800TA.org) | e-mail [comments@800TA.org](mailto:comments@800TA.org) | phone 888.800.8220 | fax 888.701.4380



Transition  
Administrator

FCC 800 MHz Band Reconfiguration  
Guard Band Election Form  
Form #: TA - 5.0  
Page 2 of 4

## 800 MHz Reconfiguration – Guard Band Election Form

### Licensee Contact for this Request

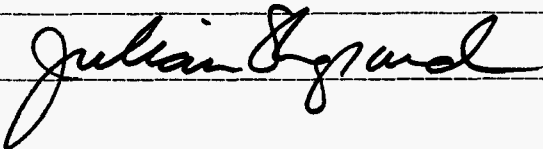
Company Name	Williams Mullen, A Professional Corporation
Business Type	Law Firm
Street Address	1666 K Street, NW
	Suite 1200
City	Washington, DC
State	DC
ZIP Code	20006-1200
Telephone	202-293-8111

I hereby request to move the channels for the call signs and locations listed above to the Guard Band.

Julian L. Shepard, Esq.

Name (print):

Signature:



Date: August 15, 2005

**NOTE:** If you are a Wave 1 licensee and have not yet returned a Point of Contact Form to the TA, please complete and fax to the TA at 888-701-4380. Please contact the TA if you are a Wave 1 licensee and have not received your form.

The TA reminds licensees that representations made to the TA are held to the same requirement of truth and candor as representations made to the FCC.

**website** [www.800TA.org](http://www.800TA.org) | **e-mail** [comments@800TA.org](mailto:comments@800TA.org) | **phone** 888.800.8220 | **fax** 888.701.4380

**SITE-BASED LICENSE SUMMARY:****Exhibit 2 - Coastal Licenses**

<b>Call Sign</b>	<b>EA</b>	<b>Location</b>	<b>Frequency(s)</b>	<b>Date Const</b>	<b># Chnls</b>
WNXS388	20	VIRGINIA BEACH, VA	855,856,857,858,859,860.6125	6/27/1994	6
WPAI798	20	VIRGINIA BEACH, VA	856,857,858,859,860.6875	9/3/1993	5
WPEA277	20	SMITHFIELD, VA	851.1875	2/28/1994	1
WPFC790	20	VIRGINIA BEACH, VA	856,857,858,859,860.0625	12/14/1994	5
WPFE527	20	HAMPTON, VA	854.3625	2/28/1995	1
WPFU496	20	FRANKLIN, VA	851.1125	9/25/1995	1
WPFV649	20	FRANKLIN, VA	853.4875	9/25/1995	1
WPFV704	20	HAMPTON, VA	851.1625	9/30/1995	1
WPFV705	20	FRANKLIN, VA	854.4625	9/25/1995	1
WPGC449	14	BELLE HAVEN, VA	851.0875	11/1/1995	1
WPGC739	20	NEWPORT NEWS, VA	855.7625;858,859.7875	3/18/1996	3
WPGD653	14	BELLE HAVEN, VA	854.4375	11/1/1995	1
WPGJ612	14	BELLE HAVEN, VA	851.1875	11/1/1995	1
WPGJ613	14	BELLE HAVEN, VA	851.3375	11/1/1995	1
WPMJ841	20	NEWPORT NEWS, VA	851,854.5125;852.2875;852.5625;853.0125;853.3875;853.6625; 853.8375;854.8125;855.0625;856,857.9125	10/1/1998	12
WPMN633	20	VIRGINIA BEACH, VA	856,857,858,859.7875	12/1/1998	4
WPNP446	20	CHESAPEAKE, VA	856,857,858,859.7875	9/14/1999	4
WPXR374	15	RICHMOND, VA	856,857,858,859.3125	7/24/2003	4
					<b>53</b>